

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: By Chairman Scott Mendenhall, on March 26, 2007
at 9:00 A.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Scott Mendenhall, Chairman (R)
Rep. Jim Keane, Vice Chairman (D)
Rep. Mike Milburn, Vice Chairman (R)
Rep. Elsie Arntzen (R)
Rep. Shannon Augare (D)
Rep. Scott Boggio (R)
Rep. Ernie Dutton (R)
Rep. Kevin T. Furey (D)
Rep. Ralph Heinert (R)
Rep. Llew Jones (R)
Rep. Harry Klock (R)
Rep. Michele Reinhart (D)
Rep. Wayne Stahl (R)
Rep. Bill Thomas (D)
Rep. Kendall Van Dyk (D)

Members Excused: Rep. Jonathan Windy Boy (D)

Members Absent: None

Staff Present: Bart Campbell, Legislative Branch
Nancy Kraft, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:	SB 466, 3/16/2007; SB 467, 3/16/2007; SB 535, 3/16/2007
Executive Action:	SB 339; SB 540; SB 466; SB 467; SB 537; SB 206; SB 312

HEARING ON SB 466

Opening Statement by Sponsor:

00:02:33 Sen. Vicki Cocchiarella (D), SD 47, opened the hearing on SB 466, Small business regulatory flexibility act.

Proponents' Testimony:

00:05:50 Evan Barrett, Governor's Office of Economic Development

00:07:43 Riley Johnson, National Federation of Independent Business

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:09:02 Rep. Jones

00:09:19 Sen. Cocchiarella

00:09:59 Rep. Dutton

00:11:03 Sen. Cocchiarella

00:13:26 Rep. Mendenhall

00:14:08 Sen. Cocchiarella

00:19:51 Rep. Mendenhall

00:19:56 Bart Campbell

Closing by Sponsor:

00:23:46 Sen. Cocchiarella

HEARING ON SB 467

Opening Statement by Sponsor:

00:24:38 Sen. Vicki Cocchiarella (D), SD 47, opened the hearing on SB 467, Revise membership and meetings of board of investments.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:28:55 Rep. Thomas
00:29:10 Sen. Cocchiarella
00:29:47 Rep. Keane
00:30:23 Sen. Cocchiarella
00:31:38 Rep. Van Dyk
00:32:01 Sen. Cocchiarella
00:32:49 Rep. Dutton
00:33:13 Sen. Cocchiarella

Closing by Sponsor:

00:37:54 Sen. Cocchiarella

HEARING ON SB 535

Opening Statement by Sponsor:

00:38:56 Sen. Vicki Cocchiarella (D), SD 47, opened the hearing on SB 535, Creating annuity suitability and disclosure act.

Proponents' Testimony:

00:39:38 Jacqueline Lenmark, American Council of Life Insurers
00:44:05 Don Allen, Association of Insurance and Financial
Advisors
00:46:05 Greg VanHorssen, State Farm Insurance Company
00:46:23 Dwight Easton, Farmer's Insurance Group
00:46:58 Carol Roy, Insurance Department, State Auditor's Office
[EXHIBIT \(buh64a01\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:49:45 Rep. Mendenhall
00:50:01 Ms. Roy
00:50:50 Rep. Dutton
00:51:33 Sen. Cocchiarella
00:52:27 Ms. Lenmark

Closing by Sponsor:

00:55:41 Sen. Cocchiarella

00:58:02 Break

EXECUTIVE ACTION ON SB 339

01:23:35 **Motion/Vote:** Rep. Stahl moved SB 339 **BE RECONSIDERED**. Motion carried 15-0 by voice vote by those present and voting. (Previous action was taken on SB 339 in Business and Labor on 3/22/07.)

Discussion:

01:24:07 Rep. Mendenhall

01:24:48 Mr. Campbell

01:25:32 **Motion/Vote:** Rep. Stahl moved **TO REMOVE EXISTING AMENDMENT** to SB 339. Motion carried 16-0 by voice vote. Rep. Windy Boy voted by proxy.

01:26:06 **Motion:** Rep. Milburn moved that SB 339 **BE AMENDED**. [EXHIBIT \(buh64a02\)](#)

Discussion:

01:27:07 Rep. Mendenhall

01:27:21 Mr. Campbell

01:28:05 Rep. Reinhart

01:28:18 Rep. Stahl

01:28:21 Rep. Arntzen

01:29:42 Rep. Mendenhall

01:30:49 Rep. Arntzen

01:31:17 **Vote:** Motion carried unanimously by voice vote. Rep. Windy Boy voted by proxy.

01:31:39 **Motion:** Rep. Milburn moved that SB 339 **BE CONCURRED IN AS AMENDED**.

Discussion:

01:32:00 Rep. Furey

01:32:40 Rep. Keane

01:32:54 Rep. Arntzen

01:33:38 Rep. Dutton

01:33:51 **Vote:** Motion carried unanimously by voice vote. Rep. Windy Boy voted by proxy. Rep. Mendenhall will carry the bill.

EXECUTIVE ACTION ON SB 540

01:35:06 **Motion:** Rep. Keane moved that SB 540 **BE CONCURRED IN**.

Discussion:

01:35:14 Mr. Campbell

01:37:42 **Motion/Vote:** Rep. Keane moved that SB 540 **BE AMENDED**.
(Exhibit 1 in Business and Labor Committee Meeting on
3/21/07) Motion carried unanimously by voice vote. Rep.
Windy Boy voted by proxy.

01:39:49 **Motion:** Rep. Keane moved that SB 540 **BE AMENDED**.
EXHIBIT (buh64a03)

Discussion:

01:40:05 Mr. Campbell

01:41:21 Rep. Mendenhall

01:42:20 Rep. Furey

01:42:33 **Vote:** Motion carried unanimously by voice vote. Rep.
Windy Boy voted by proxy.

Discussion:

01:42:19 Mr. Campbell

01:43:20 Rep. Keane

01:43:55 Mr. Campbell

01:44:51 Rep. Keane

01:45:26 Rep. Mendenhall

01:46:07 Without objection, Rep. Mendenhall suspended action
on this bill until after Executive Action on SB 467.

EXECUTIVE ACTION ON SB 466

01:47:38 **Motion:** Rep. Keane moved that SB 466 **BE CONCURRED IN**.

Discussion:

01:48:02 Rep. Mendenhall

01:48:36 Rep. Keane

01:49:26 Rep. Van Dyk

01:49:41 Rep. Arntzen

01:49:57 **Vote:** Motion carried unanimously by voice vote. Rep.
Windy Boy voted by proxy. Rep. Mendenhall will carry
the bill.

EXECUTIVE ACTION ON SB 467

01:50:22 **Motion:** Rep. Keane moved that SB 467 **BE CONCURRED IN**.

Discussion:

01:50:29 Rep. Keane
01:51:04 Rep. Dutton
01:51:20 Rep. Keane
01:51:40 Rep. Stahl
01:51:52 Rep. Mendenhall

01:52:30 **Vote:** Motion carried unanimously by voice vote. Rep. Windy Boy voted by proxy. Rep. Stahl will carry the bill.

EXECUTIVE ACTION ON SB 540 (CONTINUED)

01:53:17 Rep. Keane moved that SB 540 **BE AMENDED.**
EXHIBIT (buh64a04)

Discussion:

01:53:32 Mr. Campbell
01:54:00 Rep. Keane
01:54:38 Rep. Milburn
01:55:19 Rep. Stahl
01:55:35 Mr. Campbell
01:56:33 Rep. Stahl
01:57:40 Gene Huntington, Department of Justice
01:58:39 Rep. Stahl
01:59:23 Rep. Klock
01:59:48 Rep. Furey
02:01:00 Rep. Milburn
02:01:31 Rep. Keane

02:03:20 **Vote:** Motion failed 7-9 by roll call vote with Reps. Arntzen, Furey, Keane, Reinhart, Thomas, Van Dyk, and Windy Boy voting aye. Rep. Windy Boy voted by proxy.

Discussion:

02:03:37 Rep. Mendenhall
02:04:15 Rep. Keane
02:04:50 Rep. Stahl
02:05:00 Rep. Mendenhall
02:05:17 Rep. Furey

02:05:54 **Motion/Vote:** Rep. Stahl moved that SB 540 **BE CONCURRED IN AS AMENDED.** Motion carried 12-4 by roll call vote with Reps. Furey, Keane, Thomas, and Windy Boy voting

no. Rep. Windy Boy voted by proxy. Rep. Beck will carry the bill.

EXECUTIVE ACTION ON SB 537

02:08:21 **Motion:** Rep. Keane moved that SB 537 **BE CONCURRED IN.**

Discussion:

02:08:53 Rep. Reinhart

02:09:47 Mary Arnold, State Auditor's Office

02:11:26 Rep. Keane

02:12:13 **Vote:** Motion carried 15-1 by voice vote with Rep. Reinhart voting no. Rep. Windy Boy voted by proxy. Rep. Stahl will carry the bill.

EXECUTIVE ACTION ON SB 206

02:14:35 **Motion:** Rep. Heinert moved that SB 206 **BE CONCURRED IN.**

02:14:59 **Motion:** Rep. Heinert moved that SB 206 **BE AMENDED.**

EXHIBIT (buh64a05)

Discussion:

02:16:12 Rep. Furey

02:17:38 Rep. Keane

02:18:48 Rep. Milburn

02:19:16 Rep. Furey

02:20:24 Rep. Mendenhall

02:21:03 Bart Campbell

02:22:22 Rep. Reinhart

02:22:49 Mr. Campbell

02:24:49 **Vote:** Motion failed 4-12 by roll call vote with Reps. Arntzen, Boggio, Heinert, and Mendenhall voting aye. Reps. Windy Boy and Boggio voted by proxy.

02:25:28 **Motion:** **REP. STAHL moved that SB 206 BE AMENDED.**

EXHIBIT (buh64a06)

Discussion:

02:26:42 Rep. Thomas

02:29:08 Rep. Reinhart

02:29:15 Mr. Campbell

02:29:30 Rep. Milburn

02:30:27 Rep. Arntzen

02:31:27 Rep. Keane

02:32:11 Rep. Mendenhall
 02:33:42 Rep. Keane
 02:34:09 Rep. Thomas
 02:34:42 Rep. Jones
 02:35:00 Rep. Furey
 02:35:36 Rep. Reinhart

02:35:56 **Vote:** Motion carried 11-5 by roll call vote with Reps. Dutton, Heinert, Klock, Mendenhall, and Milburn voting no. Reps. Dutton, Windy Boy, and Augare voted by proxy.

02:36:59 **Motion/Vote:** Rep. Thomas moved that SB 206 **BE CONCURRED IN AS AMENDED**. Motion carried 14-2 by roll call vote with Reps. Heinert and Mendenhall voting no. Reps. Dutton, Windy Boy, and Augare voted by proxy. Rep. Thomas will carry the bill.

EXECUTIVE ACTION ON SB 312

02:39:19 **Motion:** Rep. Milburn moved that SB 312 **BE CONCURRED IN**.

Discussion:

02:39:29 Rep. Jones
 02:41:16 Rep. Keane
 02:41:48 Rep. Reinhart
 02:42:33 Rep. Mendenhall

02:44:07 **Vote:** Motion carried 14-2 by roll call vote with Reps. Keane and Windy Boy voting no. Reps. Dutton, Windy Boy, and Augare voted by proxy. Rep. Llew Jones will carry the bill.

ADJOURNMENT

02:45:47 Adjournment: 12:00 P.M.

REP. SCOTT MENDENHALL, Chairman

NANCY KRAFT, Secretary

SM/nk

Additional Exhibits:

EXHIBIT ([buh64aad.pdf](#))